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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/622,035

Applicant(s)

SAMBHUS ET AL.

Examiner

Dennis Myint

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 5, 6 and 28-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 5, 6 and 28-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. This communication is responsive to Applicant's Amendment, filed on 10 May 2007.

2. Claims 1, 5-6, and 28-36 are currently pending. In the amendment filed on 10 May 2007, no amendments were made. Claims 1, 29, and 33 are independent claims.

This office action is made final.

3. Regarding the filing date of drawing, it is recognized that the correct date is July 16, 2003.

Response to Arguments

4. Applicant's arguments have been considered but are not persuasive.

Referring to claims 1, 29, and 33, Applicant argued that *In view of the above, Leamon clearly dose not describe the second markup recited in the claims* (Applicant's argument, page 6, lines 1-2).

In response, it is pointed out that Leamon clearly disclose the second markup language recited the claim as follows: "the second markup is encoded in a device-specific markup language associated with an access device" (Leamon, Figure 4, i.e., *Device Identification 102 and Get Transformer for Device Type 106* and Paragraph 0025, i.e., *The rendering engine 60 identifies in step 102, **the device that originated the request by reading a code embedded in the request.*** Then, particularly note Paragraph 0026 and Figure 3. Paragraph 0026 discloses *While the content is being acquired, in step 106, the transformer object for the client 40A that sent the information*

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request is obtained. As shown in Figure 3, the transformer object is customized for the particular device and browser that will display the information to the user.)

Applicant argued that *In equating the content described in Leamon with the first markup and the second markup recited in the claims, the Examiner is clearly mischaracterizing the cited reference, which is wholly improper* (Applicant's argument, Page 6 Lines 4-6) and *Examiner is reading out an express limitation of the claims and mischaracterizing the cited art, which is wholly improper* (Applicant's argument, page 6 Lines 17-18).

In response, it is pointed out that the first markup is a standard markup language (Leamon, Paragraph 0025 i.e., "a first channel of content and a second channel of content" as "*The content is formatted in the **standard language***") and the second is a device-specific markup. Note Leamon's disclosure which teaches the limitation "the second markup is encoded in a device-specific markup language associated with an access device" (Figure 4, i.e., *Device Identification 102 and Get Transformer for Device Type 106* and Paragraph 0025, i.e., *The rendering engine 60 identifies in step 102, **the device that originated the request by reading a code embedded in the request.*** Then, particularly note Paragraph 0026 and Figure 3. Paragraph 0026 discloses *While the content is being acquired, in step 106, **the transformer object** for the client 40A that sent the information request is obtained. As shown in Figure 3, **the transformer object** is customized for the particular device and browser that will display the information to the user).* Said disclosure clearly teaches transforming content in any form/format into device-specific language. Therefore, there content with the first markup

and the second markup are not equated. First markup and second markup languages are different ones.

In addition, Applicant argued that *the Examiner is clearly ignoring the plain meaning of the term "aggregating"* (Applicant's argument, Page 6, Lines 10-11).

In response, it is pointed out that In response, it is pointed out that Leamon teaches aggregating in paragraph 0026 that the rendering engine 60 produce a third markup language by aggregating the first markup language and second markup language.

Applicant argued that *Leamon is completely silent with respect to aggregating multiple markups* (Applicant's argument, Page 6 Lines 14-15).

In response it is pointed out that Leamon teaches aggregating in paragraph 0026 that the rendering engine 60 produce a third markup language by aggregating the first markup language and second markup language.

Applicant argued that *Leamon clearly does not expressly or inherently describe each and every element of independent claims 1, 29, and 33* (Applicant's argument, page 6 Lines 19-20).

In response, it is pointed out that Leamon clearly teach each and every element of independent claims 1, 29, and 33 as follows. Leamon is directed to a method for providing customizable client aware content aggregation and rendering in a portal server (Paragraphs 018-23) and teaches the limitations:

"receiving a request, by the portal server, to provide a first channel of content and a second channel of content" (Figure 4: *Request 100* ; and Figure Figure 2A.

Particularly Note Figure 2A, wherein there are two channels: Proprietary Application Portal 50 and Partner Application 52. Additionally, Paragraph 0025 of Leamon teaches the limitation "a first channel of content and a second channel of content" as "*The content is formatted in the **standard language**. The fetch may acquire the content from the proprietary application or from an independent content provider that also formats its information in the selected standard markup language format, shown here as XHTML. In some embodiments, the independent content provider maintains **several forms of content applicable to different classes of devices**. For example, the independent content provider may maintain and return content that is appropriate for small, medium or large devices (such as, for example, mobile and non-mobile phones, PDAs and personal computers, respectively), depending on the type of device that requested the content*". Said disclosure of Leamon teaches more than one channel of content, that is, several channels of content);

"obtaining a first markup of the first channel of content and a second markup of the second channel of content" (Figure 4, i.e., *Device Identification 102 and Fetch Standard Markup Language Content 104*), "wherein the first markup is encoded in a generic markup language" (Figure 4, i.e., *Fetch **Standard Markup Language Content 104** and Paragraph 0025, i.e., The client 40A originates a request 100 for information over the network. The request 100 is received at the rendering engine 60. Paragraph 0025, i.e., The rendering engine 60 fetches in step 104, the content requested by the user message. The content is **formatted in the standard language**)*) and "the second markup is encoded in a device-specific markup language associated with an access

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device" (Figure 4, i.e., *Device Identification 102* and *Get Transformer for Device Type 106* and Paragraph 0025, i.e., *The rendering engine 60 identifies in step 102, **the device that originated the request by reading a code embedded in the request.***

Then, particularly note Paragraph 0026 and Figure 3. Paragraph 0026 discloses *While the content is being acquired, in step 106, the transformer object for the client 40A that sent the information request is obtained. As shown in Figure 3, the transformer object is customized for the particular device and browser that will display the information to the user.) ;*

"forwarding the first markup to a rendering engine to obtain a third markup of the first channel of content, wherein the third markup is encoded in the device-specific markup language" (Figure 2A, i.e., *Rendering Engine 60*; Figure 4, i.e., *Rendering Engine 60* (in detail in a blown-up diagram); Paragraph 0025, i.e., *The client 40A originates a request 100 for information over the network. The request 100 is received at the rendering engine 60. The rendering engine 60 identifies in step 102, **the device that originated the request by reading a code embedded in the request.** The rendering engine 60 fetches in step 104, the content requested by the user message. The content is **formatted in the standard language.** The fetch may acquire the content from the proprietary application or from an independent content provider that also formats its information in the selected standard markup language format, shown here as XHTML. In some embodiments, the independent content provider maintains **several forms of content applicable to different classes of devices.** For example, the independent content provider may maintain and return content that is appropriate for*

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small, medium or large devices (such as, for example, mobile and non-mobile phones, PDAs and personal computers, respectively), depending on the type of device that requested the content". Said disclosure of Leamon teaches more than one channel of content, that is, several channels of content. Said disclosures by Leamon teach a rendering engine, which produce a third markup language, which is device-specific. Even more, Paragraph 0026 of Leamon discloses producing a third mark-up language, which is device-specific, as ***While** the content is being acquired, in step 106, the transformer object for the client 40A that sent the information request is obtained. As shown in Figure 3, the transformer object is customized for the particular device and browser that will display the information to the user);*

"aggregating the second markup and the third markup to create a front page" (Leamon Paragraph 0025 and 0026). Particular note that some content providers of Leamon's system have their content already rendered in device-specific (*In some embodiments, the independent content provider maintains **several forms of content applicable to different classes of devices**. For example, the independent content provider may maintain and return content that is appropriate for small, medium or large devices (such as, for example, mobile and non-mobile phones, PDAs and personal computers, respectively), depending on the type of device that requested the content*). Therefore, this device-specific language, which is already included in proprietary content are already customized for specific devices, such as PDAs or mobile phones and thus represents "the second markup language" of the limitations of claim 1. Then,

rendering engine 60 of Leamon's system itself produce a third markup language as recited in Paragraph 0026 and referenced above.

"and communicating the front page to the access device" (Paragraph 0026, i.e., *will display the information to the user*).

Applicant argued that *first, there must be some suggestion or motivation, either in reference themselves or in the knowledge generally available to one of the ordinary skill in the art*" (Applicant's argument, page 7 Lines 3-4). In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, one of the ordinary skill in the art would be motivated because abstract languages are generic languages and could be extended into particular languages, is well known in the art.

Applicant additionally argued that *Barker fails to supply what Leamon lacks* (Applicant's argument, page 7 Line-15).

In response, it is pointed out that Leamon, as responded above, teaches each and every element of claims 1, 29, and 33 and, as such, Baker supplies what Leamon lacks as Baker teaches the limitation "wherein the generic markup language is abstract markup language" (Barker Column 4 Lines 40-44, i.e., *an abstract UI markup language*).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claim 1, 5, 29, 30, 33, and 34 are rejected under 35 U.S.C. 102(e) as being anticipated by Leamon et al. (hereinafter "Leamon")(U.S. Patent Application Publication Number 2002/0107891).

As per claim 1, Leamon is directed to a method for providing customizable client aware content aggregation and rendering in a portal server (Paragraphs 018-23) and teaches the limitations:

"receiving a request, by the portal server, to provide a first channel of content and a second channel of content" (Figure 4: *Request 100* ; and Figure Figure 2A.

Particularly Note Figure 2A, wherein there are two channels: Proprietary Application Portal 50 and Partner Application 52. Additionally, Paragraph 0025 of Leamon teaches the limitation "a first channel of content and a second channel of content" as "*The content is formatted in the **standard language**. The fetch may acquire the content from the proprietary application or from an independent content provider that also formats its information in the selected standard markup language format, shown here as XHTML.*

*In some embodiments, the independent content provider maintains **several forms of content applicable to different classes of devices**. For example, the independent content provider may maintain and return content that is appropriate for small, medium or large devices (such as, for example, mobile and non-mobile phones, PDAs and personal computers, respectively), depending on the type of device that requested the content". Said disclosure of Leamon teaches more than one channel of content, that is, several channels of content);*

*"obtaining a first markup of the first channel of content and a second markup of the second channel of content" (Figure 4, i.e., *Device Identification 102* and *Fetch Standard Markup Language Content 104*), "wherein the first markup is encoded in a generic markup language" (Figure 4, i.e., *Fetch **Standard Markup Language Content 104*** and Paragraph 0025, i.e., *The client 40A originates a request 100 for information over the network. The request 100 is received at the rendering engine 60. Paragraph 0025, i.e., The rendering engine 60 fetches in step 104, the content requested by the user message. The content is **formatted in the standard language**)*) and "the second markup is encoded in a device-specific markup language associated with an access device" (Figure 4, i.e., *Device Identification 102* and *Get Transformer for Device Type 106* and Paragraph 0025, i.e., *The rendering engine 60 identifies in step 102, **the device that originated the request by reading a code embedded in the request***. Then, particularly note Paragraph 0026 and Figure 3. Paragraph 0026 discloses *While the content is being acquired, in step 106, the transformer object for the client 40A that sent the information request is obtained. As shown in Figure 3, the transformer object is**

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customized for the particular device and browser that will display the information to the user.) ;

*"forwarding the first markup to a rendering engine to obtain a third markup of the first channel of content, wherein the third markup is encoded in the device-specific markup language" (Figure 2A, i.e., **Rendering Engine 60**; Figure 4, i.e., **Rendering Engine 60** (in detail in a blown-up diagram); Paragraph 0025, i.e., **The client 40A** originates a request 100 for information over the network. The request 100 is received at the rendering engine 60. The rendering engine 60 identifies in step 102, **the device that originated the request by reading a code embedded in the request**. The rendering engine 60 fetches in step 104, the content requested by the user message. The content is **formatted in the standard language**. The fetch may acquire the content from the proprietary application or from an independent content provider that also formats its information in the selected standard markup language format, shown here as XHTML. In some embodiments, the independent content provider maintains **several forms of content applicable to different classes of devices**. For example, the independent content provider may maintain and return content that is appropriate for small, medium or large devices (such as, for example, mobile and non-mobile phones, PDAs and personal computers, respectively), depending on the type of device that requested the content".* Said disclosure of Leamon teaches more than one channel of content, that is, several channels of content. Said disclosures by Leamon teach a rendering engine, which produce a third markup language, which is device-specific. Even more, Paragraph 0026 of Leamon discloses producing a third mark-up language,

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which is device-specific, as ***While** the content is being acquired, in step 106, the transformer object for the client 40A that sent the information request is obtained. As shown in Figure 3, the transformer object is customized for the particular device and browser that will display the information to the user;*

“aggregating the second markup and the third markup to create a front page” (Leamon Paragraph 0025 and 0026). Particular note that some content providers of Leamon’s system have their content already rendered in device-specific (*In some embodiments, the independent content provider maintains **several forms of content applicable to different classes of devices**. For example, the independent content provider may maintain and return content that is appropriate for small, medium or large devices (such as, for example, mobile and non-mobile phones, PDAs and personal computers, respectively), depending on the type of device that requested the content*). Therefore, this device-specific language, which is already included in proprietary content are already customized for specific devices, such as PDAs or mobile phones and thus represents “the second markup language” of the limitations of claim 1. Then, rendering engine 60 of Leamon’s system itself produce a third markup language as recited in Paragraph 0026 and referenced above.

“and communicating the front page to the access device” (Paragraph 0026, i.e., *will display the information to the user*).

Referring to claim 5, Leamon teaches the limitation:

“the rendering engine creates the third markup language using a file path pointing to the device-specific markup language” (Paragraph 0020 and Figure 2A *Rendering Engine 60; The rendering engine 60 operates on the pre-formatted information by passing it through a format transformation process designed to reformat the information into a display format compatible with the particular client 40A that requested the information*).

Claim 29 is rejected on the same basis as claim 1.

Claim 30 is rejected on the same basis as claim 5.

Claim 33 is rejected on the same basis as claim 1.

Claim 34 is rejected on the same basis as claim 5.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

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under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 6, 31, and 35 are rejected 35 U.S.C. 103(a) as being unpatentable over Leamon in view of Barker et al. (hereinafter "Barker") (U.S. Patent Number 6781609).

As per claim 6, Leamon does not explicitly teach the limitation: "wherein the generic markup language is abstract markup language".

Barker teaches the limitation:

"wherein the generic markup language is abstract markup language" (Column 4 Lines 40-44, i.e., *an abstract UI markup language*).

At the time the invention made, it would have been obvious to a person of ordinary skill in the art to add the feature of using an abstract markup language to the method of Leamon so that the resultant method would comprise an abstract markup language. One would have been motivated to do so because abstract languages are generic languages and could be extended into particular languages, is well known in the art.

Claim 31 is rejected on the same basis as claim 6.

Claim 35 is rejected on the same basis as claim 6.

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10. Claims 28, 32, and 36 are rejected 35 U.S.C. 103(a) as being unpatentable over Leamon in view of Nielsen (U.S. Patent Application Publication Number 2004/0205567).

As per claim 28, Leamon does not explicitly teach the limitation: "wherein the third markup language is dynamically rendered at runtime when access device is in use".

Nielsen teaches the limitation:

"wherein the third markup language is dynamically rendered at runtime when access device is in use" (Abstract: *A method for dynamically modifying a mark-up language document (e.g. an XML test suite file) during runtime with data unavailable when the mark-up language document is created*).

At the time the invention was made, it would have been obvious to add the feature of dynamically rendering a markup language at runtime, as taught by Nielsen, to the method of Leamon so that the resultant method would dynamically render the third markup language at runtime. One would have been motivated to do so because dynamically rendering a language at runtime is well known in the art: For example, Java run-time compiler and JIT in C Sharp.

Claim 32 is rejected on the same basis as claim 28.

Claim 36 is rejected on the same basis as claim 28.

Contact Information

11. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis Myint whose telephone number is (571) 272-5629. The examiner can normally be reached on 8:30AM-5:30PM Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-5629.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dennis Myint
Examiner
AU-2162



SHAHID ALAM
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